

09/686,033

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REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 6, 8, 11, 22 and 24 have been amended herein. Claims 2-4, 7, and 14-21 have been cancelled without prejudice or disclaimer, and claims 32-35 have been newly added. A complete listing of the claims showing changes made in revised amendment format can be found at pages 3-6. In addition, the specification has been amended herein at page 2 to correct a minor typographical error. Favorable reconsideration of the subject patent application is respectfully requested in view of the amendments and comments *infra*.

I. Objection to Claims 5, 20, and 24 for Informalities

Claims 5, 20, and 24 stand objected to for various informalities. Withdrawal of this objection is respectfully requested for at the following reasons. Claim 20 has been cancelled without prejudice or disclaimer thereby making the objection thereto moot. Furthermore, appropriate amendments have been made to claims 5 and 24 herein to cure the noted informalities. Accordingly, this objection should be withdrawn.

II. Rejection of Claims 4-13 and 19-31 Under 35 U.S.C. § 112, Second Paragraph

Claims 4-13 and 19-31 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 4 and 19 have been cancelled herein without prejudice or disclaimer. Thus, their rejection is now moot.

Claims 11 and 22 have been amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 11 has been amended to recite "code model objects" rather than "objects." Claim 22 has been amended to recite "a code model ... to enable a programmatic interface to interact with a plurality of computer programming languages...*in a language neutral manner*." Thus, the term "isolated" refers to isolating the programmatic interface from the details (e.g., syntax) of particular programming languages. These amendments are believed to more clearly point out the subject matter regarded as the invention. Accordingly, this rejection should be withdrawn.

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III. Rejection of claims 1-19 and 22-31 Under 35 U.S.C § 102 (b)

Claims 1-19 and 22-31 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by McInerney, *et al.* (U.S. 5,325,533). Withdrawal of this rejection is respectfully requested for at least the following reasons.

McInerney, *et al.* fails to disclose, teach, or suggest all the elements set forth in independent claims 1 and 22.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element as set forth in the claim is found*, either expressly or inherently described, *in a single prior art reference.*" In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). "*The identical invention must be shown in as complete detail as is contained in the ... claim.*" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

McInerney, *et al* fails to disclose, teach, or suggest a *language neutral interface* that *insulates a programmer from unique syntaxes* associated with a plurality of programming languages, as recited by claim 1, and *programmatic interface to interact* with a plurality of computer programming languages at a semantic and syntactic level *in a language neutral manner*, wherein the code model *provides isolation between the programmatic interface and computer programming languages*, as recited by claim 22. Rather, McInerney, *et al.* merely discloses an incremental building process (*e.g.*, compiling and linking programs) that models a program as a collection of components (See Abstract). It is readily apparent that McInerney, *et al.* fails to disclose, teach, or suggest all the claim limitations. Accordingly, claims 1 and 22 (as well as claims 5, 6, 8-13, and 23-31 depending directly or indirectly thereon) are allowable and withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 20 and 21 under 35 U.S.C. § 103(a)

Claims 20 and 21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over McInerney, *et al.* (U.S. 5,325,533). Withdrawal of this rejection is requested for at least the following reason. Claims 20 and 21 have been cancelled without prejudice or disclaimer herein. Accordingly, this rejection is now moot.

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V. New Claims 32-35

Claims 32-35 have been newly added herein to more particularly emphasize other novel aspects of the subject invention neither disclosed nor taught by McInerney, *et al.* No new matter has been added. Accordingly, entry and allowance of new claims 32-35 is respectfully requested.

CONCLUSION

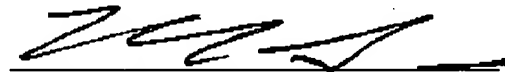
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731